

understand this and the two managers of this committee, the chairman, Senator LEAHY, and the ranking member, Senator SPECTER, know of our concern, and that is the concern of Senator MCCONNELL and myself, and we are going to do our very best to make sure this is not our last circuit court judge but the first of a significant number who can at least meet the standards of Congresses similarly situated as ours.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

NOMINATIONS

Mr. MCCONNELL. Mr. President, let me echo the remarks of my good friend, the majority leader, about the circuit court judge situation. We are off to a good start. I wish to thank him, and I wish to thank Chairman LEAHY for moving the Randy Smith nomination to the Ninth Circuit. As the majority leader has indicated, that vote will be at 10:30. We have had very good conversations, the majority leader and myself, about restoring comity to the Senate on the business of dealing fairly with the President's nominations for circuit court judgeships.

The President has met the Senate halfway—some would say more than halfway—demonstrated by his actions at the beginning of the Congress and by the people he has chosen to resubmit for our consideration. The President's efforts have been recognized and lauded by the Washington Post, the Los Angeles Times, and several other publications. These papers have noted the burden is now on the Senate to reciprocate and treat the President's nominees fairly, and we are off to a good start in doing that.

Moving the Smith nomination today is an act of good faith on the part of the majority leader and Senator LEAHY, which I and others on this side of the aisle appreciate. It is a good beginning. Of course, it is only a beginning, but it is a good beginning. As I have said, the President should be treated as fairly as his three immediate predecessors, each of whom finished their terms with the Senate in control of the opposition party. Yet those Presidents received an average of 17 circuit court nominations confirmed. If this President is not treated as fairly as his predecessors, then, of course, the comity and cooperation in the Senate might be harder to come by. But there is no indication that will be the case, and I am not predicting it. In fact, I am optimistic we are going to be able to move through these nominations with a high level of fairness and comity. Again, I wish to thank both Senator REID and Chairman LEAHY for their fair treatment of this first judge as we begin to move down the path toward getting a reasonable number of

circuit court nominees confirmed during this 2-year period.

I yield the floor.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that there be 2 minutes equally divided between the votes on the judicial nominations with the time equally divided and controlled between the chairman and ranking member of the Judiciary Committee.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business until 10:20 a.m., with Senators permitted to speak for up to 10 minutes and the time equally divided between the two leaders or their designees.

The Senator from Maine is recognized.

IRAQ

Ms. SNOWE. Mr. President, I rise this morning to speak to the Senate regarding the fact that we are contemplating adjournment for a recess of approximately 12 days without having taken any votes on the question of Iraq. The Senator from Nebraska and I sent a letter to both leaders yesterday, expressing our deepest disappointment and disapproval about the failure of this institution to address the most consequential issue of our time. We are at a critical crossroads with this pre-eminent issue. Yet the Senate, in keeping with its historical traditions and practices, has failed to grapple with this monumental question.

Therefore, the Senator from Nebraska and I have said we should have a vote on the motion to adjourn for this particular recess because we object to recessing without the Senate having any agreement, any understanding, any debate, any votes on this most profound question. It does no honor to the Senate or to this country. As I said earlier in the week when I expressed my disappointment that we have yet to construct an agreement on how to even move forward procedurally to debate a nonbinding resolution, irrespective of where my colleagues may stand on this question, whether you are in the majority or in the minority, various viewpoints ought to be able to be expressed, and we ought to be able to have votes in the Senate. Unfortunately and regrettably, that has not occurred, at a time in which the President has already indicated his plan for the troop surge and which is already underway.

There is a majority in the Senate who are in opposition to the troop surge and to that specific mission. Others have different viewpoints on the question. But irrespective, we know there are a majority in the United States who are in opposition to the troop surge.

The Senator from Nebraska and I, in fact, moved across the political aisle and joined the Senator from Delaware and the Senator from Michigan on the Biden-Levin-Hagel-Snowe resolution on January 17, when it was introduced in the Senate. Here we are today, a month later, and there has been no consequential action on the question of Iraq.

The House of Representatives is debating and will be voting. As I said on Monday, when our troops are on the frontlines, the Senate is on the sidelines. While the House of Representatives is debating and voting, the Senate is dithering. That is regrettable because we have some serious questions about the President's troop surge. We ought to be able to express our views on the floor of the Senate and to have those votes. This is a critical moment in our Nation. The Senate has lost its sense of the place it now occupies—or should occupy—in history.

If we look back at major moments of the Senate historically, the Senate has risen to the occasion, but we haven't on this question. So we are going to adjourn for the recess without having a plan on how we are going to proceed on this question, without any votes, on the major issue of our time.

So what has changed in the last 3 days? There have been no negotiations. There has been no consensus. There has been no agreement. There has been no understanding of how we are going to proceed and how we are going to debate this question. And we are going to recess. Well, the troop surge isn't taking a recess. The men and women in uniform on the frontlines in Iraq are not taking a recess, the Iraq war is not taking a recess, but the U.S. Senate is taking a recess.

My primary objection to the troop surge has been rooted in the fact that I examined the track record and concluded we should not commit any more troops to instilling a peace that the Iraqis are not willing to instill for themselves and to seek for their own nation. They are fighting amongst themselves rather than for themselves.

Yesterday, I spoke with the father of a soldier who died last Friday while supporting our Operation Iraqi Freedom.

SSG Eric Ross of Maine, stationed in Texas, and two of his brothers in arms were killed as they entered a booby-trapped building in Baquba. What was even more tragic is the Iraqi squad that was accompanying them, who were supposed to go in with them, refused to go in. What did they know? Why did they refuse to go in? Where were their allegiances? Who were they fighting for? Those are the kinds of circumstances and situations to which

our troops have been subjected. There will be infinitely more of those examples, given the mission the President has proposed in Baghdad.

The father of the soldier told me: My son's first interpreter was a spy. Those are the kinds of precarious and dangerous circumstances under which our soldiers are facing extraordinary challenges. Now they are being requested to go door-to-door in Baghdad, as this soldier was doing in Baquba. His father said they were going door to door, clearing them out, only to find they were coming back in. That is the circumstance our troops will face in this very dangerous mission in Baghdad.

While we are on recess, all of this will be underway. Yet we have no plan to debate and to vote on our respective views and positions on this question.

This is not in keeping and consistent with the traditions and practices of the Senate. I have served in both the House of Representatives and the Senate for 29 years. I have witnessed and been part of debates that range from Lebanon to the Persian Gulf to Somalia to Bosnia to Panama. We were able to exercise our views, whether we were in the House of Representatives or in the Senate. I am deeply disappointed that we are at this juncture, that we are planning to adjourn for a previously scheduled recess without having established a record on behalf of the Senate for the people of this country. We are their voice. We reflect their will. We should have the opportunity to debate and to vote on the various questions.

The fact is, we have allowed the gears of this deliberative process to become jammed with the monkey wrenches of timidity and partisanship. I reject that because at a time in which the American people are deeply concerned about the direction of our mission in Iraq, the Senate is deadlocked and stalemated.

That is why I object to the motion to adjourn. I hope my colleagues will express their objections, likewise, irrespective of where Members stand on the question. I hope Members express disappointment and disapproval that we will recess without having taken a stand on this monumental issue.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

IRAQ DEBATE

Mr. REID. Mr. President, I will use leader time.

Mr. President, I have the deepest respect for the Senator from Maine. I care about her a lot. She is a good legislator and a very strong woman, strong person, someone who stands up for what she thinks is right. I admire her for that.

However, those are interesting comments that I have just heard from my

friend regarding an Iraq debate. While I respect the Senator from Maine and, as I have said I appreciate her sense of urgency, I say with all due respect, she is coming late to the party.

Last week, when Senators had the opportunity to hold an important debate about Iraq, she and others chose to prevent that debate. Some of them, including my friend from Maine, voted against their own resolution by not invoking cloture. While it is heartening to know that they would like to have an Iraq debate now, where were they last week? Where were they when the Senate was trying to send a message to President Bush to stop the escalation? Where were they when we were trying to send a message in standing up for our troops in Iraq? The answer: Obstructing. Playing politics.

Don't tell me about politics. They were putting the political needs of the White House ahead of our troops' need for a new direction in Iraq.

If not for the actions that took place last week, we could have been finished with this debate regarding the escalation in Iraq. We could have already sent a strong message to President Bush that he stands alone in supporting escalation. We could have joined the House in expressing our support for the troops and our opposition to the so-called surge. But because there was a political game being played with the war, the American people still do not know where their Senators stand on escalation.

I take it from comments I have heard—not only from the Senator from Maine but from others on the other side of the aisle—that a number of Members had a change of heart; that, in the future, I would hope, many of them will be joining us in an important Iraq debate.

Everyone within the sound of my voice should understand, we are in the Senate. Procedurally it is very difficult, many times, to get from here to there. I started as quickly as I could to process this matter. On Tuesday, I moved to rule XIV so we could have the House resolution before the Senate. I would hope we will have that opportunity soon.

This week, the House of Representatives is debating a bipartisan resolution on escalation. Last night, as I have indicated, I started the process—again, moving one step further to bringing the legislation closer to the floor of the Senate, a resolution saying we support our troops and we oppose the escalation.

When the Senate returns after the break, we will deal with the House resolution in some manner. The American people deserve, as I have said, to know where every Member of the Senate stands on the so-called surge. It is an important issue facing our country.

I repeat what I said about the Senator from Maine. I care about her a lot. But I really am somewhat lost in the logic of her debate.

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

ISSUE OF FAIRNESS

Mr. McCONNELL. Mr. President, using some of my leader time, let me respond briefly to my good friend, the majority leader.

The Senate Republicans are fully prepared to have a debate on the Iraq war. We were prepared to have a debate on the Iraq war last week. We anticipated it. The issue is whether the Senate will operate like the House. It will not.

In the House, they have one Iraq resolution. The minority gets no voice at all, up or down, on one proposal. As my good friend, the majority leader, and certainly the majority whip said repeatedly over the years, the Senate is not the House. Senate Republicans are anxious to have the Iraq debate. We are not trying to avoid it in any way, whatever. But there will be, at the very least, a proposal that a majority of Senate Republicans support in the queue to be considered so that we will have an alternative.

Now, the majority leader and I have had a number of discussions about this issue over the week. I am still hopeful we can work this out and have a process for going forward that is fair to Senate Republicans. However, I am very confident that Senate Republicans will insist on having at least one alternative favored by a majority of our Members. Again, I am not anticipating that we will end up in the same position we were last week. The majority leader and I are continuing to talk about it.

But fundamental fairness is essential on the most important issue confronting the country.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, we have two votes scheduled at 10:30. We were supposed to have 15 minutes reserved for Senator LEAHY and myself, and I know Senator HAGEL is in the Senate and wants a little time.

With the majority leader in attendance, I wonder if we might adjust the timing so we can talk about these judges at least for a few minutes?

Mr. REID. I say to my friend, the question is an excellent question. We have, as the Senator knows, a funeral taking place today for Dr. Norwood. We changed the vote around from 11 o'clock until 10:30 today so a large contingent of Senators and House Members can attend the funeral. If we do not start the votes at 10:30, they will not be able to attend.

Mr. SPECTER. I accept that. May I use the last 4 minutes to speak?

I will yield to the Senator from Nebraska for a minute.

Mr. HAGEL. I appreciate that.